

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

In re: STEVE P. & GINA M. SONNIK, Debtor, NATIONAL CREDIT ACCEPTANCE INC., Movant/Claimant, v. STEVE P. & GINA M. SONNIK, and RONDA J. WINNECOUR, Ch. 13 Trustee Respondents	Bankruptcy No. 08-23396-JAD Chapter 13 Related to Doc. No. 89
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MOTION FOR ORDER DIRECTING PAYMENT OF FUNDS TO CLAIMANT
PURSUANT TO 11 U.S.C. § 347 and 28 U.S.C. § 2041, et seq.

AND NOW, comes Claimant, National Credit Acceptance Inc. (the “Claimant”), by and through its undersigned counsel, Bernstein-Burkley, P.C., and files this Motion for Order Directing Payment of Funds to Claimant Pursuant to 11 U.S.C. § 347 and 28 U.S.C. § 2041, et seq. (the “Motion”), representing as follows:

The Parties

1. National Credit Acceptance Inc. is a Corporation with offices in Roseville, CA. True and correct copies of the W-9 form for Claimant are attached hereto as Exhibit A.
2. Respondents, Steve P. & Gina M. Sonnik, filed for bankruptcy protection pursuant to Chapter 13 of the Bankruptcy Code on May 23, 2008.
3. Ronda J. Winnecour is the duly appointed Chapter 13 Trustee (“Trustee”) and is currently acting in such capacity.

Jurisdiction and Venue

4. This matter is a core proceeding and this Court has jurisdiction pursuant to 28 U.S.C. § 1334. Venue is proper pursuant to 28 U.S.C. §§ 1408 and 1409. Movant seeks relief pursuant to 11 U.S.C. §§ 347 and 350 and 28 U.S.C. § 2041, et seq.

Factual Background

5. On or about August 12, 2008, Claimant filed a Proof of Claim in the present bankruptcy in the amount of \$6,125.05 at Claim No. 14. A true and correct copy of the Proof of Claim is attached hereto as Exhibit B.

6. At the time the Proof of Claim was filed, National Credit Acceptance Inc. was the owner of the claim.

7. The original dividend check was sent to a National Credit Acceptance Inc. at 1731 Howe Ave., #254, Sacramento, CA 95825-2209. That address is no longer valid. A true and correct copy of a document showing they once used the address of record is attached hereto as Exhibit C.

8. On August 12, 2013, the Trustee filed a Receipt of Funds Received for Deposit into Registry Account. Receipt Number 6957, Fee Amount \$3364.92 with the Clerk, U.S. Bankruptcy Court (the “Clerk”). The Trustee stated that the check represented unclaimed funds owed to National Credit Acceptance Inc. As shown above, Claimant is the owner of those funds. A true and correct copy of the Receipt is attached hereto as Exhibit D.

9. Claimant changed their payment address and did not receive the \$3,364.92 referenced in the Report as being monies to be distributed to Claimant. Claimant believes it was on global reserve and that the check may not have been sent.

10. Pursuant to 11 U.S.C. § 347 and 28 U.S.C. §§ 2041 and 2042, Claimant requests that this Honorable Court issue an order directing payment by the Clerk to the Claimant in the amount of \$3,364.92 and further directing that payment be made in care of Dilks & Knopik, LLC, who has been granted Limited Power of Attorney by Claimant for the purposes of this Motion. A true and correct copy of the Limited Power of Attorney is attached hereto as Exhibit E.

WHEREFORE, Claimant, National Credit Acceptance Inc., respectfully requests that this Honorable Court reopen the present bankruptcy and grant the Claimant's Motion for Order Directing Payment of Funds to Claimant.

Respectfully submitted,

BERNSTEIN-BURKLEY, P.C.

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Dated: April 5, 2016